

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of March 17, 2009 Regular Meeting as submitted by the Clerk. All in favor, motion carried.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the minutes of the March 24, 2009 special meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

3.2% Beer License Renewal**Percival, Richard N. and Bonnie C./DBA North Delta Market and Deli**

The Clerk reported that North Delta Market and Deli has submitted their 3.2% Beer License renewal application. The application is complete, all fees have been paid and the Police Department has recommended approval.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to approve the 3.2% Beer License Renewal for North Delta Market and Deli. All in favor, motion carried.

Retail Liquor Store License Renewal**D&B Liquors, Inc./DBA D&B Liquors**

The Clerk stated that D&B Liquors has submitted their Retail Liquor Store License renewal. The application is complete, all fees have been paid and the Police Department recommended approval.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the Retail Liquor Store License renewal for D&B Liquors. All in favor, motion carried.

Renewal of Lease for Upper White Ranch Property

Assistant City Manager Steve Glammeyer explained that staff recommends approval of the lease agreement with Mr. Dan and Roy Long and Mr. Rolf and Lynn Sanburg for the use of the Upper White Ranch property for grazing purposes. He explained that the City has historically had a lease agreement with the Longs and Sandburg's to use this land for this purpose. The current lease expired on November 31, 2008 and the new lease would start on May 1, 2009. Both parties would like to continue this lease for 2009. They have asked that we lower the lease amount since it is only the two parties now instead of three and the amount of cows grazing on the site would be less, however, they did not mention a figure that they had in mind. Currently the yearly fee is \$750.00. There is an insurance provision that states not applicable. Mr. Schottelkotte would like to include some language in there that would have these parties hold the City harmless.

Councilmember Seuell asked about the history of the lease.

Utilities Director Fay Matthews explained the history and how the land is used.

Regular Meeting, Delta City Council, April 7, 2009 (Cont.)

Renewal of Lease for Upper White Ranch Property (cont.)

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to enter into the lease agreement with Mr. Dan and Roy Long and Mr. Rolf and Lynn Sanburg for the use of the Upper White Ranch for the purposes of grazing livestock, authorize the City Manager to sign said lease, to address the insurance provision and that the fee remain the same as indicated in proposed contract. All in favor, motion carried.

**Renewal of Lease with Ms. Hawkins and Myers
For Use of City Water on the Grand Mesa**

Mr. Glammeyer reported that staff recommends approval of the lease agreement with Ms. Hawkins and Myers for the use of City water on Grand Mesa. This lease is for purposes of stock water. Mr. Glammeyer stated that in paragraph 2B of the lease it states that the City will install a $\frac{3}{4}$ " tap and that tap has been installed therefore the language would need to be changed.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to enter into the lease agreement with Ms. Hawkins and Myers for the use of City water on the Grand Mesa for the purposes of stock water with the changes to paragraph 2B relative to the $\frac{3}{4}$ " tap. All in favor, motion carried.

WWTP Improvement Design Bids

Mr. Glammeyer reported that in 2007/2008 staff worked with an engineering firm to prepare a five year capital improvement plan for the wastewater treatment plant. He stated that they are continuing to run up against new discharge limits that the Colorado Department of Public Health and Environment has put in place. Mr. Glammeyer explained a project that has been identified to help address these concerns called a river diffuser.

Mr. Glammeyer stated that staff prepared a request for proposal for engineering firms to take a look at the study, confirm that it is the right project to complete and move forward with a design and construction phase. There were five firms that submitted proposals and Mr. Glammeyer summarized those. After careful consideration of these proposals, staff would recommend entering into contract with URS Corporation to complete this work. During the budget process, staff budgeted \$700,000 to complete improvements to the plant which included the river diffuser and roof replacement and engineering. The City already has a potential cost savings in the roof replacement as a cost estimate came in less than 50% than had been originally budgeted. URS Corporation estimates their "Not to Exceed Amount" to be \$98,043.

Councilmember Pfalzgraff questioned what staff's concerns are about the river diffuser project.

Mr. Glammeyer explained that there has not been a river diffuser in this area. One of the things that URS Corporation mentioned was that the US Fish and Wildlife would like to partner with someone on a project like this and there may be funding available. The only problem is if the Colorado Department of Public Health and Environment (CDPHE) say that this would not meet the City's needs. They have not come out and said yes or no if this project will meet those needs. URS Corporation proposes to meet with US Fish and Wildlife and CDPHE to make sure this is the right direction to go.

Councilmember Carlquist questioned if the City had used URS Corporation before.

Mr. Glammeyer stated that URS Corporation did complete the water, wastewater and storm water master plan studies for the City.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to enter into contract with URS Corporation for the design of a new river diffuser system for the wastewater treatment plant for a not to exceed amount of \$98,043 and authorize the City Manager to sign the contract once approved by the City Attorney. All in favor, motion carried.

Quarterly Payment to Business Enhancement Program

City Manager Lanny Sloan reported that the City and Chamber of Commerce have been negotiating the new contract for Business Enhancement Services, but have not completed the agreement. As the City fully intends to fund the program, and the contract is almost complete, staff feels the first funds should be paid to the Chamber so that the BE program can continue.

Regular Meeting, Delta City Council, April 7, 2009 (Cont.)

Quarterly Payment to Business Enhancement Program (cont.)

It was moved by Councilmember Carlquist and seconded Councilmember Seuell to issue the quarterly payment for BE services to the Chamber of Commerce in the amount of \$17,939.99. All in favor, motion carried.

Survey Bids

Public Works Director Jim Hatheway stated that the City advertised for surveying services back in February 2009 for acquiring topographic and other information for the Crawford Avenue, 5th Street and Cedar Street corridors. The information collected and submitted to the City will be used to develop corridor designs to ensure that public improvements in these corridors will function correctly. The City received 12 responses to the request and evaluated the submittals to determine the most qualified bidder. Mr. Hatheway explained that the evaluation criteria included billing rates, personnel availability to the City, project understanding and previous experience. The evaluation of the proposals was a difficult process and staff feels that MM&D Engineering Services will provide the services and response that is required. MM&D is a company that recently located to Delta and has a significant amount of experience doing these types of projects.

Councilmember Jurca asked that the bids be summarized.

Mr. Hatheway explained that MM&D offered their proposal in two forms. If the City didn't have enough monies budgeted for the entire project, they gave the City specific costs for each route. They also gave a proposal reducing their mobilization cost if the City chose to do all three corridors.

It was moved by Councilmember Seuell and seconded by Councilmember Pfalzgraff to award the contract for surveying services to MM&D Engineering Services in the amount of \$20,480. All in favor, motion carried.

Ordinance #2, 2009: Second and Final Reading **Rezone of 1397 E. 7th Street**

Ordinance #2, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY AT
1397 EAST 7TH STREET FROM AN A-1 DISTRICT TO A R-2
DISTRICT

was introduced as Council Bill #2, 2009 and read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to adopt Council Bill #2, 2009 on second and final reading. Roll call vote: Councilmembers Pfalzgraff aye, Seuell aye, Jurca aye, Carlquist aye, and Cooper aye. Council Bill #2, 2009 was adopted on second and final reading as Ordinance #2, 2009.

Arbor Day Proclamation

Mayor Cooper read the proclamation.

Abstinence Awareness Proclamation

Mayor Cooper read the proclamation.

City Attorney Comments

There was none.

City Manager Comments

City Manager Lanny Sloan announced a meeting about the truck route on April 28th at 7:00pm at Rec Center. He also announced that Jim Hatheway has started the application process for the sidewalk replacement program. The applications are due by May 15th.

Regular Meeting, Delta City Council, April 7, 2009 (Cont.)

City Manager Comments (cont.)

Mr. Sloan stated that Chief of Police Robert Thomas has completed a critical evaluation of the police department. Chief Thomas would like to present copies of that document to Council for them to study and then have a work session to present those findings and discuss any questions that Council may have.

It was decided to have a work session at 5:30pm on April 21st.

Councilmember Comments

Councilmember Seuell asked Jim Hatheway to give an update on the traffic light at 1600 Road.

Mr. Hatheway presented Council with that update.

Mayor Cooper commented on the fire department responding to 67 calls in the month of March and thanked all the firefighters.

The meeting was adjourned at 7:37 p.m.

Jolene E. Nelson, City Clerk